

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LUIS TACURI and TIMOTEO CASTANEDA,

Plaintiffs,

- against -

NITHUN CONSTRUCTION COMPANY and  
NURUL AMIN,

Defendants.  
-----X

**AMON, Chief United States District Judge.**

NOT FOR PUBLICATION  
**MEMORANDUM & ORDER**  
**FILED**  
U.S. DISTRICT COURT E.D.N.Y.  
★ FEB 24 2015 ★

BROOKLYN OFFICE

On May 8, 2014, plaintiffs Luis Tacuri and Timoteo Castaneda brought this action against defendants Nithun Construction Company and Nurul Amin, its owner, at least in part, and principal. (Complaint (“Compl.”) ¶¶ 6-13.) Plaintiffs allege that defendants: (1) failed to pay wages owed them; (2) failed to pay them overtime compensation; and (3) failed to provide certain employment paperwork as required by law. (*Id.* ¶¶ 46-66.) Plaintiffs allege defendants thereby violated the federal Fair Labor Standards Act and the New York Labor Law, including the Wage Theft Prevention Act.

Defendants did not respond to the complaint, and on June 30, 2014, at plaintiffs’ request, the Clerk of Court entered default against defendants. (*See* Docket Entry (“D.E.”) 6.) On July 15, 2014, plaintiffs moved for a default judgment against defendants. (D.E. 7.) The Court referred the matter to Magistrate Judge Ramon E. Reyes, Jr., for report and recommendation. On January 21, 2015, Magistrate Judge Reyes issued a Report and Recommendation (“R&R”) recommending that the Court enter a default judgment against defendants and award plaintiffs: (1) \$880 in unpaid wages; (2) \$25,318.42 in unpaid overtime compensation; (3) \$10,000 for

defendants' violations of the Wage Theft Prevention Act; (4) \$17,935.51 in liquidated damages; (5) \$4,563.50 in attorney's fees; and (6) \$400 in costs. (R&R at 3-5, 15.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no party has timely objected, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted). The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Reyes' R&R as the opinion of the Court. The Clerk of Court is directed to enter judgment and close the case.

SO ORDERED.

Dated: February 23, 2015  
Brooklyn, New York

s/Carol Bagley Amon  
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Carol Bagley Amon *o o*  
Chief United States District Judge